

President Obama, who once believed in the Fourth Amendment, is the President who is now scooping up all of your records illegally. Then he feigns concern and says: Oh, we need to pass this new bill. He could stop it now. Why won't someone ask the President: Why do you continue? Why won't you stop this program now? The President has every ability to do it. We have every ability to keep our Nation safe. I intend to protect the Constitution.

The PRESIDING OFFICER. The Senator's time has expired.

# RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess subject to the call of the Chair.

Thereupon, the Senate, at 5:11 p.m., recessed subject to the call of the Chair and reassembled at 6:14 p.m. when called to order by the Presiding Officer (Mr. WICKER).

## USA FREEDOM ACT OF 2015— MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The majority leader.

Mr. McCONNELL. Mr. President, before the recess, I tried to get a short-term extension of three provisions that will expire at midnight tonight: section 215, business records; section 206, roving wiretap authority; and the "lone wolf" provision. Unfortunately, those efforts were unsuccessful.

"Lone wolf" and roving wiretap are not—I repeat, not—the subject of controversy with the House bill. So I would propose that we extend at least the "lone wolf" and the roving wiretap authorities while we continue to litigate the differing views on section 215. More specifically, I would propose that we extend those two provisions—"lone wolf" and roving wiretaps—for up to 2 weeks.

### UNANIMOUS CONSENT REQUEST

Mr. President, having said that, I ask unanimous consent that the Senate proceed to the immediate consideration of a bill, which is at the desk, to extend the expiring provisions relating to "lone wolf" and roving wiretaps for 2 weeks, and that the bill be read a third time and passed, and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Kentucky.

Mr. PAUL. Mr. President, reserving the right to object, one of the promises that was given when the PATRIOT Act was originally passed was that, in exchange for allowing a less than constitutional standard, we would only use the actions against—

The PRESIDING OFFICER. Is there objection?

Mr. PAUL. Terrorists and against foreigners. We found that 99 percent of

the time, section 213 is used for domestic crime. I believe that no section of the PATRIOT Act should be passed unless our targets are terrorists—not Americans.

Mr. CORNYN. Mr. President, regular order.

The PRESIDING OFFICER. The Senator from Kentucky—

Mr. COTTON. Regular order.

Mr. PAUL. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. McCONNELL. Mr. President, last week, I proposed giving the Intelligence Committee the time it would need to work toward the kind of bipartisan legislative compromise Americans deserve—a compromise that would preserve important counterterrorism tools necessary to protect American lives. That effort was blocked.

Just now, I proposed an even narrower extension that would have only extended some of the least controversial—least controversial—but still critical tools to ensure they do not lapse as Senators work toward a more comprehensive legislative outcome. But even that very narrow offer was blocked. I think it should be worrying for our country because the nature of the threat we face is very serious. It is aggressive, it is sophisticated, it is geographically dispersed, and it is not—going away.

As the LA Times reported, "the Obama administration has dramatically stepped up warnings of potential terrorist attacks on American soil after several years of relative calm." The paper reported that this is occurring in the wake of "FBI arrests of at least 30 Americans on terrorism-related charges this year in an array of 'lone wolf' plots."

So these aren't theoretical threats. They are not theoretical threats. They are with us every day. We have to face up to them. We shouldn't be disarming unilaterally as our enemies grow more sophisticated and aggressive, and we certainly should not be doing so based on a campaign of demagoguery and disinformation launched in the wake of the unlawful actions of Edward Snowden, who was last seen in Russia.

The opponents of this program have not been able to provide any—any—examples of the NSA abusing the authorities provided under section 215. And the record will show that, in fact, there has not been one documented instance of abuse of it.

I think it is also important to remember that the contents of calls are not captured. That is the general view, but it is an incorrect one. I will say it again: The contents of calls are not captured. I say this to the American people: If you have been told that, that is not correct. That is what I mean about a campaign of disinformation. The only things in question are the number dialed, the number from which the call was made, the length of the call, and the date. That is it. That is it. Detailed oversight procedures have

been put in place, too, in order to protect the privacy of Americans.

Now, I believe this is a program that strikes a critical balance between privacy on the one hand and national security on the other. That doesn't mean the Senate still shouldn't have the opportunity to make some changes to it. That is precisely the outcome I had been hoping to facilitate by seeking several short-term extensions. And considering all that has come to light about the House-passed bill in recent weeks, I believe this was more than reasonable.

The administration's inability to answer even the most basic questions about the alternate bulk data system it would have to build under that legislation is, to say the least, pretty troubling—pretty troubling. And that is not just my view. That is the view of many in this body, including colleagues who have been favorably predisposed to the House bill.

In particular, I know Senators from both parties have been disturbed by the administration's continuing inability to guarantee whether the new system would work as well as the current one or whether there would even be any data available to analyze. While the administration has let it be known that this nonexistent system could only be built in time if telephone providers cooperated in building it, providers have made it abundantly clear that they are not going to commit to retaining the data. They are not going to commit to retaining the data for any period of time unless legally required to do so, and there is no such requirement in the House-passed bill—none at all.

Here is how one provider put it: "[We are] not prepared to commit to voluntarily retain documents for any particular period of time pursuant to the proposed USA Freedom Act if not required by law"—if not required by law.

Now, these are just a few of the reasons I thought it prudent to try to give the Senate more space to advance better legislation through committee consideration and regular order, with input from both sides. But, my colleagues, it is now clear that will not be possible in the face of a determined opposition from those who simply wish to end the counterterrorism program altogether. No time to try to improve the House-passed bill will be allowed because some would like to end the program altogether.

So this is where we find ourselves. This is the reality. So it essentially leaves us with two options. Option one is to allow the program to expire altogether without attempting to replace it. That would mean disarming completely and arbitrarily, based on a campaign of disinformation, in the face of growing, aggressive, and sophisticated threats—growing, aggressive, and sophisticated threats. That is a totally unacceptable outcome—a completely and totally unacceptable outcome. So we won't be doing that.